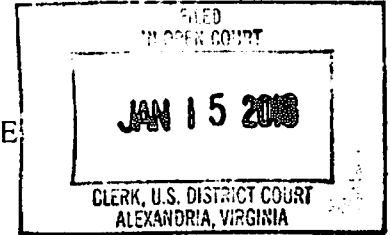


IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA



Alexandria Division

UNITED STATES OF AMERICA	)	
	)	No. 1:15-CR-102
v.	)	
	)	Hon. Liam O'Grady
Amin al-Baroudi,	)	
a/k/a "Abu al-Jud,"	)	
	)	
Defendant	)	

STATEMENT OF FACTS

The United States and the Defendant, AMIN AL-BAROUDI, agree that, at trial, the United States would have proven the following facts beyond a reasonable doubt with admissible and credible evidence:

1. The defendant, AMIN AL-BAROUDI, is a Syrian-born naturalized U.S. citizen.
2. From at least in or about December 2011 through at least in or about March 2013, the defendant willfully conspired with other U.S. and non-U.S. persons to export and cause to be exported U.S.-origin goods from the United States to Syria in violation of the sanctions imposed on Syria by the United States and without obtaining the required licenses or authorizations from the United States Department of Commerce.
3. The purposes of the conspiracy were to supply and arm Ahrar al-Sham and other rebel groups in Syria with U.S.-origin goods, to export U.S.-origin goods from the United States to supply to end-users in Syria, and to evade U.S. sanctions against Syria.
4. Ahrar al-Sham is an armed insurgent group in Syria, consisting of a coalition of Islamist and Salafist units, whose stated goal is to overthrow the Assad government and install an Islamic state in Syria. Ahrar al-Sham frequently fights alongside Jabhat al-Nusrah, which has

been designated by the United States as a Foreign Terrorist Organization and operates as al Qaeda's official branch in Syria.

*U.S. Sanctions Against Syria*

5. With certain limited exceptions not applicable to this case, U.S. sanctions against Syria prohibit, among other things, the export, re-export, sale, or supply, directly or indirectly, of U.S.-origin goods from the United States or by a United States person wherever located, to Syria or the Government of Syria without prior authorization from the Secretary of State or the Secretary of Commerce.

6. The International Emergency Economic Powers Act ("IEEPA"), 50 U.S.C. §§ 1701-1707, authorizes the President of the United States ("President") to impose economic sanctions on a foreign country in response to an unusual or extraordinary threat to the national security, foreign policy, or economy of the United States when the President declares a national emergency with respect to that threat. Pursuant to the authority under the IEEPA, the President and the executive branch have issued orders and regulations governing and prohibiting certain transactions with Syria by U.S. persons or involving U.S.-origin goods.

7. The President signed the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 (Pub. L. 108-175, codified as a note to 22 U.S.C. § 2151) ("the SAA") in December 2003. Section 5(a)(1) of the SAA requires the President to prohibit the export to Syria of all items on the Commerce Control List (15 C.F.R. Part 774) ("CCL") and to impose two or more of six additional sanctions, as set forth in Section 5(a)(2)(A)-(F) of the SAA. The CCL is contained within the Export Administration Regulations (15 C.F.R. Parts 730-774) ("the EAR") and categorizes dual-use goods controlled for export by the Department of Commerce.

Dual-use goods are products and technologies normally used for civilian purposes which may have military applications.

8. On May 11, 2004, the President issued Executive Order 13338, declaring that “the actions of the Government of Syria, in supporting terrorism, continuing its occupation of Lebanon, pursuing weapons of mass destruction and missile programs, and undermining United States and international efforts with respect to the stabilization and reconstruction of Iraq, constitute an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.” The Executive Order imposes U.S. sanctions against Syria, including a broad prohibition on the export and re-export to Syria of items subject to the EAR, and provides that “the Secretary of Commerce shall not permit the exportation or re-exportation to Syria of any product of the United States,” except for food and medicine, and that “[n]o other agency of the United States Government shall permit the exportation or re-exportation to Syria of any product of the United States.” The Executive Order also prohibits any “transaction by a United States person or within the United States that evades or avoids, has the purpose of evading or avoiding, or attempts to violate any of the prohibitions set forth” in the order. In accordance with Executive Order 13338, the U.S. Department of Commerce, Bureau of Industry and Security (DOC/BIS), implemented sanctions on Syria by issuing General Order No. 2 to Supplement No. 1 to Part 736 (“General Order No. 2”), and corresponding regulations (15 C.F.R. Part 746.9), restricting exports and re-exports to Syria of all items subject to the EAR other than food and certain medicine.

9. U.S. sanctions against Syria, the SAA, Executive Order 13338, General Order No. 2, and 15 C.F.R. Part 746.9, were all in effect at all times relevant to this case.

10. The defendant never applied for, received, or possessed a license or authorization from the United States Department of Commerce or the United States Department of State to export goods, technology, or services, of any description to Syria. At all relevant times, the defendant was aware that exporting U.S.-origin goods to Syria was illegal.

*The Conspiracy*

11. Throughout the course of the conspiracy, the defendant and his co-conspirators purchased tens of thousands of dollars of U.S.-origin goods from companies and vendors in the United States. These goods consisted largely of tactical equipment such as sniper rifle scopes, night vision rifle scopes, night vision goggles, laser bore sighters, speed loaders, and bullet-proof vests. The defendant and his co-conspirators traveled with these U.S.-origin goods aboard commercial flights to Turkey and then transported, or caused to be transported, the U.S.-origin goods from Turkey to individuals and entities in Syria.

12. On or about December 21 and December 23, 2011, the defendant communicated with co-conspirator T.S., whom the defendant knew to be associated with Ahrar al-Sham, and discussed exporting U.S.-origin goods, such as telephones, sniper rifle scopes, and night vision goggles, to Syria by carrying the goods in a suitcase on a flight from the United States to Turkey.

13. On or about July 17, 2012, co-conspirator R.J. traveled aboard commercial flights from Los Angeles International Airport to Istanbul, Turkey. R.J. traveled with a variety of U.S.-origin goods with the intent to provide the goods to individuals and entities in Syria. R.J. later reported to the defendant that he had delivered at least some of the goods to co-conspirator T.S.

14. On or about January 19, 2013, the defendant created a document entitled "available.docx." The document listed various supplies, accompanied by pictures and descriptions, such as: "3-9x30mm high quality rifle scopes. Proven to be real good in our

environment. Sent 100s of them, used in Idlib and Halab Very successfully. People loved them and always asking for more. Capable to transfer any decent rifle to sniper rifle.” Idlib and Halab are cities in Syria. The defendant revised this document several times and sent versions to co-conspirators T.S., E.S., and S.A.

15. On or about February 1, 2013, the defendant told T.S. that he planned to travel on February 15 and that he had approximately \$30,000 USD worth of equipment and asked for advice about his travel reservations.

16. On or about February 8, 2013, the defendant referenced his upcoming trip and sent a document to T.S. listing the following items in English, along with corresponding text in Arabic:

- 5 used bullet proof vests
- 2 5 watt solar cells
- 4 dc/ac inverter
- 15 large flash lights
- 5 small flash lights
- 7 zipper
- 25 walkie talkie
- 2 compass
- 1 gps
- 10 ispeccion camera
- 15 video camera
- 30 speed loader
- 5 hand cuff
- 10 night vision goggles
- 100 laser bore sighter
- 5 range finder
- 3 bolt assy.
- 10 knives
- 3 bipod
- 5 wind generators
- 5 radio scanner
- 50 rifle scopes
- 20 night vision rifle scopes
- 800 IsoFloran 40
- 10 box Propofol Inj 20ML

17. On or about February 9 and February 10, 2013, the defendant confirmed his travel plans with T.S., stating that he would arrive Sunday at 3 a.m., enter Syria from Rayhaniya, and meet T.S. there.

18. On or about February 15, 2013, the defendant traveled aboard commercial flights from Los Angeles International Airport to Gaizientep, Turkey, with 14 bags of checked luggage with a total combined weight of approximately 281 kg (619 lbs). The defendant declared to the airline that his luggage contained "clothes." In fact, the defendant's luggage contained U.S.-origin tactical equipment which he intended to supply to rebel forces in Syria, including the items listed in the documents he sent to his co-conspirators, referenced in paragraphs 14 and 16.

19. After arriving in Turkey, the defendant traveled to Syria where he distributed U.S.-origin tactical equipment and provided instruction regarding its use. The defendant returned to the United States on or about March 4, 2013.

20. On or about March 29, 2013, the defendant again departed from Los Angeles International Airport aboard a commercial flight to Istanbul, Turkey, on a one-way ticket. The defendant checked four bags of luggage containing additional U.S.-origin goods he had purchased for the purpose of illegally exporting them to Syria. After arriving in Turkey the defendant caused the U.S.-origin goods he had exported to be distributed in Syria.

21. In addition to personally exporting U.S.-origin goods to Syria, the defendant conspired to export and aided and abetted the export of additional U.S.-origin goods to Syria by, among other things, purchasing U.S.-origin goods, collecting money, and counseling co-conspirators regarding the use of U.S.-origin goods.

22. On or about December 3, 2015, the defendant was arrested at Dulles International Airport, within the Eastern District of Virginia, after arriving in the United States on a direct flight from Riyadh, Saudi Arabia.

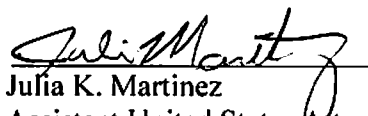
23. The acts taken by the defendant in furtherance of the offense charged in this case, including the acts described above, were done willfully and knowingly with the specific intent to violate the law and were not committed by mistake, accident, or other innocent reason.

24. This Statement of Facts includes those facts necessary to support a plea agreement between the defendant and the government. It does not include each and every fact known to the defendant or the government, and is not intended to be a full enumeration of all of the facts surrounding the defendant's case.

25. The Statement of Facts shall be admissible as a knowing and voluntary confession in any proceeding against the defendant regardless of whether the plea agreement is presented to or accepted by a Court. Moreover, the defendant waives any rights that the defendant may have under Fed. R. Crim. P. 11(f), Fed. R. Evid. 410, the United States Constitution, and any federal statute or rule in objecting to the admissibility of the Statement of Facts in any such proceeding.

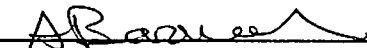
Respectfully submitted,

Dana J. Boente  
United States Attorney

By:   
Julia K. Martinez  
Assistant United States Attorney


After consulting my attorney and pursuant to the plea agreement entered into this day between the defendant, Amin al-Baroudi, and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.

Date: 1-14-16

  
Amin al-Baroudi  
Defendant

I am Amin al-Baroudi's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.

Date: 1-14-16

  
Anthony M. Capozzolo  
Counsel for the Defendant